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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 08 - 00818 - JW
14 Plaintiff,)
15 v.) STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME
16 MICHAEL JOHN ROLLERSON,)
17 Defendants.) SAN JOSE VENUE
18 _____)

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20 On February 23, 2009, the parties in this case appeared before the Court for status
conference. At that time, the defendant pled guilty, without the benefit of a plea agreement, to
Count One of the indictment. Sentencing was set for May 11, 2009. The parties then jointly
requested that Counts Two though Six be continued for status until the same date, May 11, 2009,
which request was granted. In addition, the parties stipulated to exclusions of time under the
Speedy Trial Act. The basis of this request was the defendant's need for effective preparation of
counsel. The parties therefore agree and stipulate that an exclusion of time is appropriate.

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1 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

2 DATED: 3/17/09

3 _____/s/
4 THOMAS M. O'CONNELL
Assistant United States Attorney

5 DATED: 3/17/09

6 _____/s/
7 CYNTHIA LIE
Counsel for ROLLERSON

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9 Accordingly, for good cause shown, the Court HEREBY ORDERS that time is excluded
10 under the Speedy Trial Act from February 23, 2009 to May 11, 2009. The Court finds, based on
11 the aforementioned reasons, that the ends of justice served by granting the requested continuance
12 outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the
13 requested continuance would deny defense counsel reasonable time necessary for effective
14 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
15 of justice. The Court therefore concludes that this exclusion of time should be made under 18
16 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

17 SO ORDERED.

18 DATED: March 23, 2009

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20 JAMES WARE
21 United States District Judge
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